

bono work. He even helped launch AmeriCorps. On top of that, he has lived the American dream. He is a highly successful son of immigrants.

I think President Obama was wise to appoint him to the Ninth Circuit. So do a lot of Democrats and so do a lot of Republicans.

Ken Starr—infamous as far as the Democrats go, the former White House special prosecutor—called Liu, who served in the Clinton administration, “a person of great intellect, accomplishment, and integrity.”

Former Republican Congressman Bob Barr, an extremely conservative former Federal prosecutor, also reviewed Liu’s writings. He came away impressed with, as he said, “his commitment to the Constitution and to a fair criminal justice system.”

One of President Bush’s former White House lawyers said Liu’s views “fall well within the legal mainstream.”

I could go on with more quotes from lawyers and legislators from the right and left and Independents, but we get the picture. Right, left, center—they think very highly of this good man.

Everyone agrees Goodwin Liu’s nomination is far from the “extraordinary circumstance” that would warrant a filibuster. The only extraordinary things about Liu are his experience, his accomplishments, and his integrity.

He should be confirmed. At the very least, he should undoubtedly deserve an up-or-down vote.

But Senate Republicans have already forgotten the lessons of the nuclear option. Today they are threatening to block this highly qualified nominee from confirmation. Vacancies on the Federal bench delay justice for citizens seeking the help of our judicial system, and it isn’t fair to leave in limbo well-qualified nominees.

So I am forced now to file cloture in order to ensure Goodwin Liu gets the vote he deserves. It is regrettable it has come to this.

As I file cloture, I remind my Republican colleagues once again that public servants are not political pawns. Goodwin Liu has dedicated his life to justice and fairness. As we consider his nomination, we owe someone of his caliber those same considerations.

EXECUTIVE SESSION

NOMINATION OF GOODWIN LIU TO BE A U.S. CIRCUIT JUDGE FOR THE NINTH CIRCUIT

Mr. REID. Mr. President, I ask unanimous consent to proceed to executive session to Calendar No. 80, the nomination of Goodwin Liu, of California, to be United States Circuit Judge for the Ninth Circuit.

The PRESIDING OFFICER. Is there objection? Without objection, the clerk will report.

The legislative clerk read the nomination of Goodwin Liu, of California, to be a United States Circuit Judge for the Ninth Circuit.

CLOTURE MOTION

Mr. REID. I send a cloture motion to the desk with respect to the nomination.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Goodwin Liu, of California, to be United States Circuit Judge for the Ninth Circuit.

Harry Reid, Patrick J. Leahy, Charles E. Schumer, Richard Blumenthal, Daniel K. Akaka, Al Franken, Richard J. Durbin, Sheldon Whitehouse, Dianne Feinstein, Jeff Merkley, Christopher A. Coons, Mark Begich, Amy Klobuchar, Barbara Boxer, Jack Reed, Debbie Stabenow, Sherrod Brown.

Mr. REID. I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. REID. Mr. President, I ask unanimous consent that the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. I ask unanimous consent that the Senate proceed to a period of morning business for debate only, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Ohio.

TRADE ADJUSTMENT ASSISTANCE

Mr. BROWN of Ohio. Mr. President, yesterday the White House announced it will not submit three pending free-trade agreements, FTAs, with South Korea, Colombia, and Panama until Congress reaches a deal on reauthorizing the trade adjustment assistance for workers programs, the so-called TAA. I applaud President Obama for putting the workers first before we do these trade agreements.

The trade agreements are very controversial, as they always are. The promises are always that they will create jobs, and they rarely do. They usually result in a decrease in jobs. Yet too often Congress jettisons the safety net to protect those workers who lose their jobs because of these agreements. That is why I applaud President Obama for making this one clear. He will not send these trade agreements to Congress until Congress has sent to his desk—not talked about it, not debated it, not passed one committee or one House, but sent to his desk—trade adjustment assistance expansion.

As my colleagues know, since we let this program expire in February because of Republican objections, Senator CASEY and I went to the floor day after day in December and then again in February as Republicans continued to object just to continuing trade adjustment assistance as we had begun in the Recovery Act 2 years earlier.

So what happened? Because of these Republican objections, we shut out service workers and we shut out manufacturing workers who had lost their jobs to countries with which we do not have a free-trade agreement. So when workers lost their jobs because of outsourcing of jobs to China or India, those workers couldn’t get trade adjustment assistance until the Recovery Act, so they could get it in 2009 and in 2010. Because of Republican objections to continuation of that, they can’t get it now.

Also, people who lost their jobs that were in the service industries experienced this same kind of deadline on their eligibility.

Since Congress made reforms to TAA in 2009, more than 185,000 additional trade-affected workers became eligible for training under the TAA for Workers Program.

In 2010 alone, more than 227,000 workers participated in the TAA program, receiving training for jobs that employers are looking to fill. These are people who want to work. They lost their jobs because of a trade agreement. They can prove they lost their jobs because of a trade agreement. A company shuts down in Elery, OH, and goes to Mexico; a company shuts down in Steubenville, OH, and goes to New Delhi; a company shuts down in Lima, OH, and goes to Shanghai. When you can prove that, as you can in many cases, those workers should be eligible for assistance from the government to get trained to get back to work.

The program also, of course, receives strong support from businesses that know a skilled workforce is critical to their economic competitiveness.

But just 11 days ago—because of these Republican objections and because the TAA language was truncated—but just 11 days ago, the Labor Department denied the first three petitions filed by groups of workers seeking TAA assistance under pre-2009 TAA rules, including three workers in Uniontown, OH. The reason: They are service workers.

In addition, the enhanced health coverage tax credit program also expired in February. HCTC helps trade-affected workers purchase private health insurance coverage to replace the employer-sponsored coverage they lost. It also helps those retirees who lose their benefits when the company for which they worked goes bankrupt.

The HCTC prevents tens of thousands of Americans from falling into the ranks of the uninsured. But right now, if we do not act, we are simply giving these workers the cold shoulder.

So I applaud the administration for saying, yesterday, we will pass no more

free trade agreements without a deal on TAA. But this will require my Republican colleagues to come to the table and agree on a package. We have seen what unfair trade deals such as NAFTA and PNTR with China and CAFTA do to communities in Ohio and around the Nation. These are Americans who lost their jobs, lost their pensions, lost their health care—maybe all three—when the company they worked for moved operations overseas or went to bankruptcy court or faced a reduction in demand for their products due to unfair foreign competition.

These Americans need TAA to get back on solid footing. These Americans need Congress to defend against unfair trade and to strengthen trade enforcement. There are several trade enforcement measures that Senator MCCASKILL and Senator WYDEN and I and others have introduced, and I hope they will garner bipartisan support in this Chamber.

Senator BLUNT, Senator MCCASKILL, and I testified in front of the Trade Subcommittee that Senator WYDEN chaired the other day and talked about some of these ideas and how to address them bipartisanship.

TAA has been a core pillar of U.S. trade policy. It has long enjoyed bipartisan support because it helps American workers who lose their jobs and their financial security as a result of globalization.

I thank Senator CASEY, Senator STABENOW, Senator BAUCUS, and Senator WYDEN for their leadership on trade adjustment assistance—language in getting this legislation put forward.

Just the fairness of this: Again, put yourself—something we do not do enough here—in the shoes of a worker in Champaign, IL, or Boulder, CO, or Mansfield, OH, a worker who shows up for work for 15 years, who has been a productive worker, helped his company make money, was paid a middle-class, decent wage, and then all of a sudden their plant shuts down because the jobs are outsourced to China. They did not do anything wrong. Are we going to do nothing to help them? Are we going to do nothing to help their communities?

It is pretty clear to me, the overwhelming consensus of the American people say: Give them the opportunity to get training for another job if we cannot save their jobs. Give them some assistance on health insurance so they can reach into their pocket, with some assistance through a significant tax credit, to continue the insurance for their families. It will mean many of them will not lose their homes. Far too many people who lose their jobs then lose their health insurance and then lose their homes.

We have an opportunity actually to do something about this. So the President was exactly right. Do not bring these three free trade agreements—with Colombia, Panama, and South Korea—to the floor until we have first taken care of the workers who lose their jobs—not at the same time be-

cause we know what happens when we try to do that. All of a sudden, the assistance for workers gets jettisoned. But it must be done first to help these workers with their health insurance and with their retraining.

It will matter for literally hundreds of thousands, perhaps millions of American families.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The assistant majority leader.

Mr. DURBIN. Mr. President, first, let me salute my colleague from Ohio for bringing up trade adjustment assistance. Because even if you are a proponent of expanding trade in the United States, you know the ebb and flow of the economy is going to take away some jobs in this country as other suppliers arrive.

What the Senator from Ohio and the Senator from Oregon, RON WYDEN, are trying to achieve is to make sure trade adjustment assistance is there to help these workers make a transition to another job in another area that is expanding in our economy. That is the thoughtful thing to do for their lives and the future of our economy. It is also a necessary part of any conversation about the future of trade in the United States.

INTERCHANGE FEE REFORM

Mr. DURBIN. Mr. President, I rise to speak about the effect of interchange fee reform on small banks and credit unions.

Interchange fees are not well known by most Americans. They are known as swipe fees or interchange fees, and they reflect the amount of money that is paid to a bank each time you use that bank's credit or debit card. You do not know it as a consumer that you are being charged extra when you buy something in a store, but prices are higher because that fee is being paid to the bank every time you swipe the card.

Who establishes that fee? You would assume the bank does, but it is not so. The fee that is charged every time you swipe a card is established by the credit card companies. The big giants Visa and MasterCard decide exactly how much that fee will be. And you ask yourself: Well then, what voice does a merchant or a retailer have in how much that fee is going to be on each transaction?

And the answer is virtually no voice. It is a price-fixing mechanism where Visa and MasterCard, the major credit card companies, establish the interchange or swipe fee to be paid to each bank, credit union, or financial institution that issues the credit or debit card.

It is a lot of money. Each month in America—just on debit cards now—each month in America, they collect about \$1.3 billion in transactions where people use debit cards. Now, remember, a debit card is like your checking account. You are drawing money directly

out of your checking account to pay the merchant where you are doing business. It is not like a credit card where, in fact, they have to collect the money from you later. This is a situation where the money is taken directly out of your bank account. You would think, as with the use of checks in the old economy, this would be a low-cost transaction. And it should be.

It used to be banks would process checks written to pay a restaurant or department store, charging pennies on the transaction—not a percentage of the transaction.

Well, the Federal Reserve took a look at what is being charged for debit cards, where the money comes right out of your account. It turns out the average is about 40 cents a transaction. We asked them: Well, what is the reasonable amount that should be charged if you are going to take into account exactly how much it costs a bank to process a debit card transaction? They said it was closer to 10 or 12 cents.

So merchants and retailers across America, on every single transaction involving a debit card, are paying an inflated amount of swipe fee or interchange fee, and most of those fees go to the largest banks in America. You see, almost 60 percent of all the debit card transactions really focus on three major banks. That would be Bank of America, Wells Fargo, and Chase. So there is a lot of money to be made in this business as long as they are using the debit cards and getting the swipe fees.

We put in a new law last year which said the Federal Reserve should establish what is a reasonable and proportional amount to be charged for the interchange fee for debit cards. As I told you, the initial investigation suggested it is around 10 cents; and the actual charge is 40 cents.

Now, these banks that are about to lose these major interchange fee receipts are very upset about it because as of July 21, the new law will go into effect which will bring the fee down to a reasonable and proportional level. So they are fighting this with tooth and nail. Today, I was at a breakfast here on Capitol Hill, and a group of lobbyists were there, and one came up to me and said: DURBIN, your fight on the interchange fee has more lobbyists working in Washington than any other issue, on both sides of the issue. I said: I understand that. That was not my goal.

My goal is really to help the merchants, retailers, and consumers. You see, when retailers are in a competitive atmosphere—if it is one gas station across the street from another—then saving 30 cents on a transaction can really be part of a decision by a retailer to lower prices to become more price competitive in a competitive free market atmosphere. That is what I am looking for. I want the consumers to be the ultimate winners. I want retailers and merchants to be treated fairly.

Incidentally, for the record, what is the debit card interchange fee charged